

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, January 21, 2005 – 8:00 a.m.
Sheraton Crescent Hotel
2620 W. Dunlap Avenue
Phoenix, Arizona.

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Chilton called the meeting to order at 8:15 a.m.

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1. Executive Session

a. Sale or Lease of Real Property.

b. Legal Counsel. The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, and *Audubon Society of Portland v. USFWS*, CV04-670-KI.

c. Legal Counsel Regarding the Silverbell Bighorn Sheep Herd.

d. Personnel Matters.

Motion: Gilstrap moved and McLean seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 8:17 a.m.
Meeting reconvened at 9:10 a.m.

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Chairman Chilton called the meeting to order at 9:10 a.m. The Commissioners introduced themselves and Chairman Chilton introduced the Director's staff. The meeting followed an agenda dated December 30, 2004. Director Shroufe requested that agenda item #2, Litigation Report, be postponed to later in the day.

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3. Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.

Presenter: Bob Broscheid, Habitat Branch Chief

A copy of this update, titled Lands Update, was provided to the Commission prior to today's meeting and is included as part of these minutes. Mr. Broscheid briefed the Commission on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other related matters. This update was in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona and addresses decisions or activities since the December 2004 Commission meeting. In addition to the Lands Update, Mr. Broscheid reported that BLM confirmed this week that the Interior Board of Land Appeals has placed the Sonoran Desert Catchment Appeal on a Judges docket, so it should be heard in the next month or two.

Chairman Chilton asked for feedback from meetings with the people involved in changing 36B into a wilderness area (Tumacacori Highlands Wilderness Proposal).

Mr. Broscheid reported that they met early in December at the Tucson Regional Office; Commissioner Melton was also present. It appears that Congressman Grijalva is going to draft legislation in March or April to designate the area as a wilderness area. The Department is continuing to address concerns including those of the Commission and is drafting language to incorporate into that legislation if it does go forward.

Commissioner Golightly mentioned, for the record, the letter from the Yuma Valley Rod and Gun Club dated January 21, 2005 requesting that the Commission oppose the Tumacacori Wilderness Proposal.

Public Comment

Jon Fugate, Chairman of Legislative Affairs, Yuma Valley Rod and Gun Club, addressed the Commission. Mr. Fugate stated that the Tumacacori Wilderness Proposal is very consistent with a previous wilderness proposal and he urged the Commission to make sure that the Department answers three questions; 1) will wilderness designation adversely impact wildlife management, 2) will wilderness designation adversely impact public uses that are currently allowed by the USFS, and 3) will wilderness designation adversely impact the authority and mobility of the U.S. Border Patrol? Mr. Fugate stated that YVRGC firmly believes that the answer to all three questions is yes, based on two decades of being involved in this issue.

Commissioner Melton stated that this is an access issue and if they were only talking about the roadless areas around the tops of the high mountain peaks, they could probably get a consensus, if the Department could get language that could protect their ability to manage wildlife in that area. But, as long as we're dealing with access, closing off areas and stopping roads, half the population is being alienated, so he doesn't see any future for the bill.

Chairman Chilton commented that if we were to take a position before this proposal becomes active, based on past experience with all special land use designation of which the objective is to limit access, we would probably be able to keep certain people from supporting it.

Mr. Fugate went on to say that in the past the Department requested certain language to maintain wildlife management on designated wilderness land. The language was not contained in the actual bill, but was referenced. The Department and BLM have had the language challenged by various groups for fourteen years. A current situation happening now is that the Department wants to put a gate up to protect a bat colony and because it's in a wilderness area they are not allowed to do so.

Mr. Broscheid confirmed that when wilderness is designated, it handcuffs management agencies from doing their job. There are complications when we need to get in there and do some wildlife management activities. In this case we have a mine that has been impacted by public use causing mortality to a bat colony. We have proposed installing a gate within this mine shaft, but now we've got to conform to the wilderness regulations and the sheer existence of the mine in non-conforming so why would we put a non-conforming structure on a non-conforming structure within a wilderness area. It gets back to the same old debate of trying to do something good for wildlife through proactive measures that may or may not conform to the wilderness act provisions. You run into resistance from either agencies or outside groups in the interpretation of what you can or cannot do in the wilderness act; it's complicated and convoluted.

Chairman Chilton requested to see this item on the agenda again next month.

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4. FINAL READ: Draft Policy Statement in Support of Building Rural Partnerships to Conserve Habitat and Promote Recreational Access in Arizona.

Presenter: Bob Broscheid, Habitat Branch Chief

The Draft Policy Statement is to reinforce the Commission and Department's commitment to work cooperatively with rural landowners on fish and wildlife resource and recreational issues at the local level.

Mr. Broscheid asked the Commission to approve the language of the Draft Policy Statement presented at the December Commission meeting that supports building rural partnerships in order to conserve wildlife habitats and promote recreational access in Arizona. Based on the Commission's review at the December meeting, Mr. Broscheid presented the final draft for Commission approval.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE DRAFT POLICY STATEMENT IN SUPPORT OF BUILDING RURAL

PARTNERSHIPS TO CONSERVE HABITAT AND PROMOTE RECREATIONAL ACCESS IN ARIZONA.

Vote: Unanimous

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5. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles briefed the Commission on the status of State and Federal legislation. The Legislative Session started on the 12th of this month. There has been about seven hundred bills introduced at this time and he and his assistant have been busy reviewing and analyzing them as thoroughly as possible. They met with legislators and found a sponsor for the license fee proposal, which is Senator Cannell from Yuma. The wording is being drafted right now, but it should be ready to be introduced next week.

The Commission and the Department met with Legislators this week. Mr. Guiles was not at those meetings, but he understands that the meetings went very well. We also had a budget hearing yesterday and he heard that went well also.

Mr. Ferrell commented on the budget hearing. The Department reminded the committee that there were actually three proposals on the table. The Commission's proposal, which was proved by public process last June, and the JLBC and OSPB proposals. The JLBC proposal had about five points of concern, which was shared with nine members of the committee individually in the prior day and a half of the hearing. Those five items separated the Commission's budget from the JLBC by about \$600,000 in year one and \$800,000 in year two. It was explained that, if they would move the OSPB budget, the Department felt we could make our mission happen over the next biennium, particularly if the committee was to authorize an unfunded FTE. We felt that we could come up with the money to finance that FTE if they were to give us the rest of our budget because there were some cost saving measures like the phone switch and the vehicles that could be brought to bear on the salary of that new unfunded FTE. Mr. Ferrell believed that we got a pretty good reception from our proposal. The series of questions that came up after our presentation were in regards to the new Department Headquarters. It was explained how we intended to finance it and we stressed that it might actually provide some stability for the future of Ben Avery. We also talked about the JLBC recommendation to ask the Department to study the idea of having watercraft registration moved to the Motor Vehicle Division. We told the Chairman that we would be happy to cooperate in completing that study and will move forward with it by the end of 2005.

Mr. Guiles provided a written weekly report to the Commission of some of the bills that he has identified and wanted to discuss some of them and have the Commission either support or oppose these pieces of legislation.

H2127 Big Game Permits; Compassionate Transfer: A person may transfer his/her big game permit to a qualified organization for use by a minor child who has a life threatening medical condition. ARS Titles Affected:17. First sponsor: Rep. Biggs

Motion: Golightly moved and Melton seconded THAT THE COMMISSION VOTE TO SUPPORT THIS BILL.

Vote: Unanimous

H2169 Land Use Planning; Water Resources: The water resources component of a comprehensive general plan developed by a municipality or county is expanded to include reports on water conservation efforts, drought management efforts, and the practicality of regional coordination. The water resources component must be reevaluated every 5 years. Sponsor: Rep. O'Halleran.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO SUPPORT THIS BILL.

Vote: Unanimous

H2174 Drought Emergency Water Transfers: Other law to the contrary notwithstanding, groundwater may be transported away from a basin in drought emergencies when specified conditions are met. No statutory change (session law only). Sponsor: Rep. O'Halleran.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO SUPPORT THIS BILL.

Vote: Unanimous

Commissioner Golightly asked Mr. Guiles to clarify the positions that the Commission will take regarding proposed bills. Those positions are support, oppose and monitor, which was changed from support, oppose, monitor, and closely monitor. Mr. Guiles will re-write these positions and guidelines and will distribute to the Commission.

H2295 Animal and Ecological Terrorism: Animal terrorism and ecological terrorism are defined and classified as either a class 2 or class 4 felony, depending on whether serious physical injury resulted. Each is added to the definition of "racketeering" if the act resulted in a risk of serious physical injury or death. First sponsor: Rep. Biggs. Others: Rep. Anderson, Murphy, Nichols, Rosati, Stump, Sen. Verschoor.

Motion: McLean moved and Gilstrap seconded THAT THE COMMISSION VOTE TO MONITOR THIS BILL.

Vote: Unanimous

H2440 State Lottery: Twenty-two pages of changes to lottery statutes, including: of all lottery proceeds, 50% is earmarked for prizes, 31.5% goes to beneficiaries. The disbursement order for beneficiaries and the amounts are changed from current law. Personal information of lottery winners who are paid by annuity or other periodic payment is deemed confidential and not subject to public inspection. Authorization for the state lottery to establish up to 2 games per

year for economic development is repealed. More. First sponsor: Rep. McComish. Others: Rep. Paton.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO MONITOR THIS BILL.

Vote: Unanimous

The Commission further discussed the potential or possibility of bill H2295 impacting wildlife and emphasized the need to closely monitor this bill.

Mr. Guiles reported on one other bill that came out too late to be on his report. The Department received some indication that there may be some Senate hearings on a proposal regarding ranching for wildlife. There is bill 1184 that has been introduced by Senator Flake that is a technical correction dealing with Game and Fish inmate labor. Technical corrections are usually used as a striker vehicle to substitute for another avenue whenever they want to address something dealing with Title 17. At this point, it's only been referred to the Rules Committee; it's not actually in a Hearing Committee. Mr. Guiles wanted to mention this to keep the Commission up to date.

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6. Legislative Proposal From the Arizona Game Ranger Lodge (AGRL) for a Salary Increase for Wildlife Series Employees.

Presenter: Anthony Guiles, Legislative Liaison and Randy Smith, AGRL President

Randy Smith provided the Commission with a briefing on a legislative proposal from AGRL for a salary increase for Wildlife Series employees. The number one goal of the AGRL Board has been to encourage and promote an equitable wage for Game Wardens in Arizona. Toward that end they have sought affiliation with the Fraternal Order of Police to seek legislation to accomplish that goal. The bill they have proposed and requested the Commission's support for, is being formally withdrawn from the Commission's consideration. It is the belief of the majority of AGRL Board members that the introduction of their bill along with the license fee cap bill would create confusion and question in the minds of our legislators and customers whom they are attempting to influence. Further, if passed without funding, it may potentially affect programs funded and supported by monies in the Game and Fish fund. They believe the direction the Commission has provided will move toward their goal of salary increases. It is their intention to support the license fee cap increase legislation and Mr. Smith will actively work with the AGRL membership to promote that bill. As with every Board, some issues remain where reassurance is needed. Toward that end Mr. Smith requested from the Commission that a letter be sent to AGRL stating that if the license fee cap fee is successful that the number one priority of the use of license fee monies will be directed toward a salary increase for Department employees.

Commissioner Golightly commented that the Commission has already stated in a public session that their number one priority was salary increases for employees. However, Commissioner Golightly suggested that, if the Commission agreed, the Department could be asked to work on

some language that would satisfy Mr. Smith's request and something could be drafted for the Commission Chair's signature.

Commissioner Gilstrap thanked Mr. Smith for his cooperation and pointed out that there would be some challenges and we would need all the support we can get to move our bill through the House and the Senate. We are going to have to explain to those who are opposed that those who are paying the fee increase are saying that it's okay. We will need help to make them understand the difference between a tax increase and a user fee.

Public Comment

George Reiners, Board Member of the Yuma Valley Rod and Gun Club, addressed the Commission and thanked Chairman Chilton for her outstanding leadership and service of the past five years. Further, Mr. Reiners wanted to provide some perspective. In 1969-70 he was a cadet on a Police Department and at that time, if he had turned twenty-one and had an Associates Degree, he could have signed on as an officer at \$2,750 a month; \$33,000 a year. That's just with an Associate's Degree and just being twenty-one. The badge holders that we have in this Department have much more of an education and they are starting at a salary equivalent to that of almost 35 years ago. They are way behind where they should be. When the opportunity comes, our badge holders need to get an increase that is equivalent to what could happen over thirty years. We are losing them to other agencies because other agencies, with less requirements, are paying better than what these guys are getting now. Also, they are not just protecting people; they are protecting our wildlife. All of us here are very concerned about our wildlife in addition to our people.

Commissioner Golightly and Commissioner Gilstrap requested Mr. Reiners to present his case at the Committee Hearing.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DRAFT A LETTER TO AGRL FOR THE CHAIRS SIGNATURE.

Vote: Unanimous

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7. Intergovernmental Service Agreement (ISA) for Access and Off Highway Vehicle (OHV) Management

Presenter: Mark Weise, Development Branch Chief

The Arizona State Parks Board (ASPB) administers two sources of project funds (the Recreational Trails Program and the state OHV grants). The purpose for having this ISA is to simplify and facilitate the use of these funds on mutually beneficial projects between agencies. The parties have a common objective of providing public recreational access, providing recreational trails and off-highway vehicle routes, protecting wildlife habitat and mitigating damage caused by off-highway vehicle (OHV) recreation on rangeland. The parties are entering into this ISA in an effort to create a working relationship in which participants work

cooperatively to provide for public access across the State of Arizona. This ISA should help to improve both operational and relational efficiencies between entities.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE ISA BETWEEN ARIZONA STATE PARKS BOARD AND THE DEPARTMENT.

Vote: Unanimous

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8. Purchase of Conservation Easement on the O Bar O Ranch

Presenter: Mark Weise, Development Branch Chief

Mr. Weise presented the Commission with a Power Point presentation and provided a map for further clarification.

The purchase of this Conservation easement is made possible by a partnership between the Landowner, Arizona Game & Fish Department, U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and the Southeast Arizona Land Trust.

The Conservation Easement will entail 2,250 acres of rangeland within the O Bar O Ranch, which is owned by the TOCAR LLC and is located 3 miles south of Bonita, Arizona.

The total purchase price for the agreement is approximately \$517,500. The easement will be purchased utilizing a combination of funding sources. The USDA/NRCS Farm Ranchland Protection Program (FRPP) will provide 24% of the funds needed and the Arizona Game & Fish Department is responsible for 49% (\$253,575). The landowner has donated 26% of the land value from the original appraisal.

The funding for the Department's portion will be provided by the Landowner Incentive Program grant (LIP). The site contains several riparian areas that have the potential of providing habitat for numerous sensitive species.

The Southeast Arizona Land Trust will hold the easement, as this is a requirement of the FRPP. They will also be responsible for all operation & maintenance, monitoring and compliance issues.

The conservation easement language does not prohibit grazing or other agricultural uses, but does contain stipulations for management of the sensitive areas for wildlife values.

All finalized language included in the conservation agreement will be approved by the Department's Assistant Attorney General, U.S. Fish & Wildlife Service Attorney and the USDA/NRCS prior to being recorded on the deed.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE PURCHASE OF THE O BAR O RANCH CONSERVATION EASEMENT.

Public Comment

Stuart Leidner, Executive Director of the Southeast Arizona Land Trust, addressed the Commission and thanked them for considering this project and also the Department for putting this type of project together. Mr. Leidner briefed the Commission on the history and development of the Southeast Arizona Land Trust, stating that it was mostly comprised of landowners.

Commissioner Melton commented that this was a good project and it was good to use federal dollars instead of state dollars and the use of matching funds.

Commissioner McLean and Chairman Chilton both thanked Mr. Leidner and commented on the good work and effort provided by the Southeast Arizona Land Trust.

Commissioner McLean commented that this was a good project although not an excellent one because additional access is needed. He would like to see at least some walk in access on the part of the ranch that the easement is going in on. That additional component is extremely important to Commissioner McLean.

Commissioner Gilstrap expressed his appreciation for this project and that he would be looking forward to more of these types of projects.

Vote: Unanimous

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Meeting recessed for a break at 10:30 a.m.

Meeting reconvened at 10:40 a.m.

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The order of agenda items 9, 10, 11 and 12 were rearranged to accommodate guest speakers.

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12. Call to the Public

Jon Fugate, Chairman of Legislative Affairs, Yuma Valley Rod and Gun Club, on behalf of YVRGC, presented Chairman Chilton with the 2004 Outstanding Commissioner Award for her outstanding support to YVRGC and for her outstanding achievements benefiting wildlife conservation in the State of Arizona.

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11. Memorandum of Agreement (MOA) among the Commission, the Department, the Arizona Department of Emergency and Military Affairs, the Bureau of Land Management, and the Arizona State Land Department regarding the Florence Military Reservation to deal with safety of recreational users of the artillery firing range in Unit 37B, south of Florence Junction, Arizona.

Presenter: Gerry Perry, Tucson Regional Supervisor

The Arizona Army National Guard has asked to enter into an agreement with the Commission regarding management of the State Trust Lands used under its special use permit for an artillery firing range. When the Land Department special use permit was first acquired by the National Guard in 1980, there was little public traffic in the area. Since then recreational use has increased to the point that there are public safety concerns when live ammunition is fired at the range, and 20-ton howitzers traverse the tank trails on the range in blacked out conditions at night. Their proposal, which the Department helped develop, would allow the State Trust Lands on the range to be closed to public entry when training occurs during 22 weekend days per year. The Army National Guard has agreed not to conduct training on opening weekends for hunting seasons established by the Commission.

Mr. Perry introduced Scott Elliott with the Arizona National Guard who displayed a map for the Commission for clarification of the area in question. Mr. Elliott reiterated Mr. Perry's stated concern for public safety and the need for the MOA.

Commissioner McLean pointed out that section 20 is a privately held section and everyone needs to understand that entering into this MOA is no assurance to those private landowners that they can or will eventually be able to develop that into residential use. Further, Commissioner McLean wanted to be clear that nothing done today is an indication that this section becomes prime for development.

Mr. Elliott commented that the National Guard does not have any control over that, but with the fencing agreement, they could fence this area and keep ATVs from potential residential areas from running straight across the desert and running into artillery pieces while they are firing, and keep them accessing it properly when it is open.

Chairman Chilton asked about signage. Mr. Elliott stated that they are required to have public notice and it's posted in the Florence newspaper when the live firing events are going to take place. There are also range flag markers at every point of entry to the range and near those are kiosks where there is a description of what is going on at the range at that time. After the MOA takes place, those gates would become closed and there would be flyers available with instructions for how to go around to get to the other recreational and BLM land.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THIS MEMORANDUM OF AGREEMENT BETWEEN THE ARIZONA ARMY NATIONAL GUARD, BUREAU OF LAND MANAGEMENT, AND ARIZONA STATE LAND DEPARTMENT.

Vote: Unanimous

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9. Activities Related to Shooting Range Support and Development Statewide.

Presenter: Don Winslow, Education Branch Chief

Mr. Winslow briefed the Commission on Department activities, but first recognized Don Turner, former Range Master at the Ben Avery Shooting Facility, for doing such a tremendous job with the shooting ranges across the state and with the shooting community. Mr. Turner retired from the Game and Fish Department effective January 16, 2005 and will now be going to work for Clark County in Nevada.

At the December 2004 meeting, the Commission approved plans to build the new Department Headquarters at the Ben Avery Shooting Facility. Within the next two months, the Department plans to issue a Request for Proposals to find a contractor to build the facility. The construction and consolidation of Department administration facilities on the Ben Avery Shooting Range property will provide additional long-term protection for the range; this facility will be the site of statewide shooting range and wildlife management administration, and hunter and angler education activities.

The perpetual right-of-way agreement with the City of Phoenix has been sent to the Governor's Office for her signature of approval. The Governor's general counsel requested a change on the Certified Action, written verification that the Attorney General's Office approved the Indemnification Language, and a minor change in wording to clarify the subject property. The changes were made and accepted by the city of Phoenix, and we expect the Governor's signature soon.

The Department's Plan of Development for the Sierra Vista Shooting Range is being re-submitted to the Bureau of Land Management as an amended plan that shows only existing improvements. Once BLM receives the amended plan, the Department will have completed all documentation necessary for the BLM to forward the plan to the State for review and approval of a patent. Meantime, BLM has agreed in the interim to extend our lease for an additional five years pending completion of our patent.

In regards to the Three Points Shooting Range in Tucson, the Bureau of Land Management has accepted the DPS lease as written with minor edits; a letter of concurrence from the BLM was received Nov.15. The agreement has been sent to DPS for signature.

Department staff members are preparing an Environmental Assessment checklist for a new, as of yet undetermined type, of waste system to be developed at the Utery Mountain Shooting Range. The existing septic system has been shut down and the Department is now negotiating a work plan with the Department of Environmental Quality to remediate chemicals discovered in it. The Department is keeping the Rio Salado Sportsman's Club apprised of the talks with ADEQ.

Shooting programs and other activities included Archery in the Schools and the Scholastic Clay Target Program (SCTP). All of our shooting clubs have started, including White Mountain Trap and Skeet with 22 youths and three instructors, Buckeye Hills Shooting Club with 25 youths and seven instructors, Ben Avery with 22 youths and three instructors, Springerville with 15 youths and two instructors, St. Johns with 15 youths and three instructors, and Pusch Ridge Riders Club in Tucson (based at Tucson Trap and Skeet) with 24 youths and two instructors. The second instructor training course for SCTP was conducted Dec. 11 and 12 at Tucson Trap and Skeet Club. Twenty individuals from Tucson, Sierra Vista, Yuma and surrounding areas participated

and these new instructors will begin new programs at Tucson Trap and Skeet, Ft. Huachuca, Yuma Trap and Skeet, Double Adobe Trap and Skeet and other areas of southern Arizona.

The Department has received eight requests for shooting range grants totaling \$206,400. These requests will be presented to the Commission at the June 2005 meeting.

In the Departments shooting range partnership with Tri-State Shooting Recreation Center, the Department acquired an updated mineral rights appraisal that includes two new comparable sales requested by Newmont Realty, but those new comparables were analyzed by our appraiser and determined to be high. However, the process did result in an increase in valuation and we are now waiting to hear from Newmont Realty whether it will accept the new value.

Commissioner Gilstrap asked about a new brochure. It was for the Scholastic Clay Target Program and Mr. Winslow distributed one to each Commissioner.

Commissioner Melton commented on the good publicity that the Department received on the youth archery program.

Commissioner McLean asked about the clay target Commissioners Cup Tournament. The dates are April 30 at the Tucson Trap and Skeet club, and May 14, 15, 21 and 22 at Red Mountain.

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Meeting recessed for lunch at 11:25 a.m.

Meeting reconvened at 1:10 p.m.

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Director Shroufe announced that the Governor had just issued a press release nominating Mr. Bob Hernbrode for the next Commission seat replacing Commissioner Chilton. The confirmation process still has to go forward from here, but Mr. Shroufe invited Mr. Hernbrode to address the Commission and the public.

Mr. Hernbrode commented that he was honored and that he was extremely impressed with how efficient this Commission works. He has a little bit of experience working with the Commission and is looking forward to his appointment.

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10. Conservation of the Southwestern Bald Eagle

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division, gave the presentation for Terry Johnson, Endangered Species Coordinator

Mr. Taubert presented a Power Point presentation to the Commission on the southwestern bald eagle, which in Arizona breeds mainly in the central part of the State. The presentation was focused on the biological, legal, and conservation status of this species, including: updates on relevant conservation, management, and scientific issues; funding issues; outreach activities; stakeholder involvement; and social considerations.

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16. Director's and Chairman's Reports

Director Shroufe reported on the issue of the antelope unfriendly fence near Wilcox. We received a letter yesterday from the Land Department saying that the agency working in coordination with the Antelope Foundation and the lessee now have the ability to make the fence a little more antelope friendly. Were going to set up a time when we can talk to the lessee about it and then hopefully move forward with a coordinated effort. It's been on the table for about six months and it's been in the Republic as an editorial.

Director Shroufe also reported on the Mid-winter WAFWA meeting that he attended along with Commissioner Golightly and Commissioner McLean. It was a productive meeting and a lot of issues were discussed. Probably one of the main highlights was that Secretary Norton was in Phoenix, at the same time that we were meeting in San Diego, and she announced that the Department of Interior had ruled that the petitions to list the sage grouse were not warranted. That work was done by the Western Association, just as the Black Tailed Prairie Dog work was done, to keep those species off the Endangered Species list. We're very happy about that and in the meantime, there is a lot more management attention given to that species. The conservation management issues that have been put in place because of this determination, that it was not warranted to be listed, is great news because it gives the state wildlife agencies and the federal land management agencies a lot more flexibility in managing those populations.

Another issue discussed was the 9th Circuit Court ruling on Arizona 's 10% cap on nonresident. That is going to affect Nevada and it's going to affect many other states also.

The Arizona Game and Fish Department, through individual employees and through group activities, participated in fundraising for the State Employee Charitable Campaign (SECC). Director Shroufe received a plaque from the Governor and credited Leonard Ordway, who developed a skeet and trap shooting tournament. It's a popular campaign as well as valuable and noteworthy. Director Shroufe thanked Mr. Ordway and showed the plaque to the Commissioners.

Chairman Chilton stated first that she appreciated the Department keeping species off the endangered species list and that she was very glad to see that they were successfully trying to hold on to the right of Arizona to manage it's wildlife. Also, Chairman Chilton had the opportunity to attend a workshop on the sage grouse and she is happy to see the work of a lot of the Game and Fish agencies has led to them not being listed; the same for the Black Tailed Prairie Dog.

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13. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m.

Presenter: Bob Price, Acting Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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Meeting reconvened at 3:20 p.m.

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2. Litigation Report

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes.

Mr. Odenkirk followed up from Executive Session regarding the litigation over the Bellemont Shooting Range. A proposed settlement was discussed and Mr. Odenkirk read to the Commission the details of the settlement agreement.

Mr. Odenkirk commented that the U.S. Department of Agriculture and Department of Justice are still reviewing this proposed settlement and if they have substantive changes that will change the basis of the settlement, Mr. Odenkirk will have to come back and ask for further approval.

Chairman Chilton expressed concern over paragraph 6 due to uncertainty about what the future impact could be.

The Commission gave a consensus to accept the Stipulation of Settlement Agreement document as proposed.

Mr. Odenkirk mentioned the two new cases on the report for this month. One is the Audubon Society of Portland versus U.S. Fish and Wildlife Service and the other is Phelps Dodge Corporation versus Arizona Department of Water Resources. From the last meeting we have been granted intervening status in the case in Portland concerning the Peregrine Falcon and there have already been motions for a summary judgment filed and we will be responding to those in mid-February. As to Phelps Dodge, this is the case the Commission voted to have the Attorney General's Office file an amicus brief in support of the Department of Water Resources. That brief is under review with the Solicitor General and hopefully will be filed with the court within the next couple of weeks.

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14. Director's Goals and Objectives – 2005

Presenter: Duane L. Shroufe, Director

Director Shroufe provided a draft of his Goals and Objectives. The Commission will look them over and call the Chairman with their comments.

Chairman Chilton commented that she would like see the words consumptive and non-consumptive removed from the language.

Commissioner Golightly suggested adding the shooting range priority, which was removed a couple years ago.

This item will be on the February agenda and in the interim the Commission will make suggestions to the Chairman.

Director Shroufe asked for specific direction regarding the online draw and suggested that Commissioner McLean sit in on the evaluation process of the RFP's. Director Shroufe suggested that this item be on his Goals and Objectives.

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15. Call to the Public

There were no request to speak from the public.

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17. Commissioner's Report

Commissioner McLean reported that he attended the Western Association Conference in San Diego along with the Director and Commissioner Golightly. It was a really good meeting and a lot of time was spent on the Commissioner side of things dealing with cap and fee issues. A lot of information was gained in both the formal and informal sessions with some of the other western states. Also, we held our Mid-winter Habitat Partnership Committee Meeting ten days ago. It was a good meeting and we dealt with one emergency issue of some washed out dams up in the Williams area.

Commissioner Melton reported that he went to the Yuma Valley Rod and Gun Club meeting.

Commissioner Gilstrap reported that most of his recent activity has been with the Legislature. He reiterated what was said at the December meeting; that it will be critical for all Commissioners to weigh in on the issues as well as our constituency.

Commissioner Golightly reported that he also attended the Mid-winter WAFWA in San Diego. It was a very interesting meeting and a very informative way to keep up with current trends in wildlife management through communication with other Commission members, Directors and their staff. Commissioner Golightly also attended a meeting with the Governor along with Commissioner Gilstrap and the Director on January 14. At that meeting the Governor stated that it was a valuable opportunity for her and for us to continue with quarterly meetings. Commissioner Golightly also worked, along with Commissioner Gilstrap, Mr. Ferrell and others, at the Legislature and the JLBC meeting. It was a learning experience for Commissioner Golightly and he commended Mr. Ferrell for his budget presentation to the Legislature.

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18. Approval of Minutes; Signing of Minutes

There were no minutes approved by the Commission at this time. The Commission signed the Minutes dated July 16, 2004; July 19, 2004; August 4, 2004; and August 9, 2004. Director Shroufe stated for the record that the August 13 and 14 minutes are not ready to be signed yet.

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19. Election of Positions

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO ELECT GILSTRAP AS COMMISSION CHAIR AND MELTON AS VICE-CHAIR OF THE ARIZONA GAME AND FISH COMMISSION FOR 2005.

Vote: Unanimous

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20. Future Agenda Items

Deputy Director Ferrell noted five actions items, two of which were future agenda items.

- Move the Director's Goals and Objectives to February.
- Report on the Douglas Shooting Range progress.

Other agenda items requested were:

- Chairman Chilton - Wilderness and Monument items.
- Commissioner McLean - Briefing on Commission authority to deal with other licensees such as taxidermy, meat processing, outfitters, guides, etc.
- Commissioner Gilstrap – Guidance on Commission motion and motion amendment procedures.

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Motion: Golightly moved and Melton seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned at 3:53 p.m.

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Sue Chilton, Chairman

W. Hays Gilstrap, Member

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

ATTEST:

Duane L. Shroufe
Secretary and Director